(V) A copy each (in English and Hindi) of the Medical Council of India New Delhi, Notification MCI-34(41)93-Med(N), dated the 29th September, 1993, publishing the Establishment of new Medical Colleges, opening of higher courses of study and increase of admission capacity in medical colleges Regulations, 1993. [Placed in Library, *See* No. LT-5201/93.]

REPORT OF THE DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON SCIENCE AND TECHNOLOGY, ENVIRONMENT AND FORESTS

SYED SIBTEY RAZI (UTTAR PRADESH): Madam, I present the Fifth Report (in English and Hindi) of the Department-Related Parliamentary Standing Committee on Science and Technology, Environment and Forests on the Annual Report of the Department of Biotechnology for the year 1992-93.

REPORTS OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

SHRI RAM DEO BHANDARI (Bihar): Madam, I lay on the Table a copy each (in English and Hindi) of the Reports of the Committee on the Welfare of Sheduled Castes and Scheduled Tribes:

(i) Twenty-fifth Report on action taken by Government on the recommendations contained in the Fifth Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes -(Tenth Lok Sabha) on the Ministry of Chemicals and Fertilizers (Department of Fertilizers) Reservations for and employment of Scheduled Castes and Scheduled Tribes in Paradeep Phosphates Limited.

(ii) Twenty-fifth Report on action taken by Government on the recommendations contained in the thirteenth Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Tenth Lok Sabha) on the Ministry of Petroleum and Natural Gas—Reservations for and employment of Scheduled Castes and Scheduled Tribes in Gas Authority of India Limited. (iii) Twenty-eight Report on action taken by Government on the recommendations contained in the Fourteenth Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Tenth Lok Sabha) on the Ministry of Civil Aviation and Tourism (Department of Civil Aviation)—Reservations for the employment of Scheduled Castes and Scheduled Tribes in International Airports Authority of India.

REPORT AND MINUTES OF THE STANDING COMMITTEE ON FOOD, CIVIL SUPPLIES AND PUBLIC DISTRIBUTION

SHRIMATI MIRA DAS (Orissa): I lay on the Table a copy (in English and Hindi) of the Third Report of the Standing Committee on Food, Civil Supplies and Public Distribution on the Annual Report of the Ministry of Civil Supplies, Consumer Affairs and Public Distribution (1992-93) and the Minutes of the Sittings of the Committee relating thereto.

THE DEPUTY CHAIRMAN: Mr. Satish Sharma has to make his clarification.

PERSONAL EXPLANATION BY MINISTER

THE MINISTER OF STATE OF THE MINISTRY OF PETROLEUM AND NATURAL GAS (CAPT. SATISH SHARMA): Madam, It is very kind of you to permit this personal explanation, a copy of which I have submitted to you, regarding some queries the Members had

[Shri Capt. Satish Sharma]

raised in the House based on newspaper reports on Monday and Tuesday. I seek your permission to submit my personal explanation to the House.

The allegations contained in recent Press Reports are entirely unfounded. They are intended to damage my reputation. The allegations are vague and contain no details of charges levelled against me.

I wish to offer the following comments in respect of these allegations:—

(a) The allegation that I received foreign remittances from *questionable* sources through cover of NRI relatives is totally unfounded and motivated and I refute the same in its entirety. However, I have received the following remittances from my real younger brother, Shri Girish Kumar Sharma i/o Augusta, Georgia, United States of America, who is settled in the US since 1972 and is now a US Citizen:

The amounts received during the period 1986 till 1992 are Rs. 42,71,997. Shri Girish Kumar Sharma has his own professional management services in USA; he has no business in India. The above remittances received by me through regular banking channels have been reflected in my Income-Tax returns for the relevant assessment years.

(b) The allegation that I have been involved in banking investigations in USA regarding questionable investments abroad is baseless and is denied. I submit that there is no banking investigation of any kind against me in the USA.

(c) The allegation that I have made substantial investments abroad in various. ways, in violation of the country's laws, is baseless and is denied. I submit that I have not made any investment abroad. Accordingly, the question of my violating our laws does not arise at all.

(d) The allegation that I have disclos Government policy to unauthoris people before any offic announcement is baseless and denied. I may take this opportun of pointing out tr the...allegations published in t Indian Express relate to some FA communication regarding t disclosure of Discovered Oil Fie Programme. I may submit that tl Programme was approved by tl Government as early as 2nd Jul 1992 which was announced global by means of advertisements ai booklets. Hence, there is I question of my disclosing it to ai person unauthorisedly. I wou also like to add that to the best my knowledge, the two name namely Shri Girish K. Sham (Gary Sharma) and Arjun Thap: mentioned in the FAX have r business dealings whatsoever wii my Ministry. I was nevt approached by either of them. N(have they evinced any interest i any programme/project of rr Ministry.

4. Having regard to the abo\ submissions, it will be noticed that th allegations made against me in the prei reports on which the Hon'ble MPs S/Sh Jagdish Prasad Mathur and Ashis Sei have based their notices in this augu: House are entirely unfounded. Th allegations are vague and contain n details of charges levelled against me They are intended to damage m reputation. They are politically motivate and deserve to be rejected outright.

AN HON. MEMBER: We want t< seek clarifications...*{Interruptions)*..

THE LEADER OF THI OPPOSITION (SHRI SIKANDEI BAKHT): What is this' ..*{Interruptions)*..That is how they havi been covering up all the corruptness o an individual. Every day there is *:* story... *{Interruptions)*..

THE DEPUTY CHAIRMAN: Just a minute...*{Interruptions)*..Will you please sit down? Let me ask Mr. Satish Sharma whether it is a statement or a personal explanation.

CAPT. SATISH SHARMA: It is a personal explanation.

श्री सिकन्दर बख्त: आप हमें ही बैठा रही हैं, इनको भी बैठाएंगी क्या आप?

†[श्री सिकन्दर बख्त: आप ہمیں ہی بٹھا رہی ہیں۔ انکو بھی بٹھائینگی کیا آپ۔]

SHRI SURESH KALMADI (Maharashtra): It is a personal explanation.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (DR. ABRAR AHMED): It is a personal explanation. It is wrong to say that it is a statement ...*(Interruptions)*..

SHRI S. JAIPAL REDDY (Andhra Pradesh): Will you please hear us out? *(Interruptions)*...

THE DEPUTY CHAIRMAN: I am looking at the rules.

श्री सिकन्दर बख्त: आप तकलीफ करके इनको बैठाने की तकलीफ करेंगी?

†[श्री سکندر بخت: آپ تکلیف کرکے انکو بٹھانے کی تکلیف کرینگی۔]

SHRI S. JAIPAL REDDY: Madam, the Minister has made a statement in response to a notice by Members. Therefore, it cannot be a personal explanation. It must be treated as a statement and we must be allowed to seek clarifications.

SHRI SIKANDER BAKHT: Now, are we expected to accept a personal explanation as it is?..*(Interruptions)*..

SHRI S. JAIPAL REDDY: Madam, it is not a personal explanation. It cannot be treated as a personal explanation... *(Interruptions)*..

SHRI SURESH KALMADI: It is a personal explanation. There is no clarification .. .*(Interruptions)*

THE DEPUTY CHAIRMAN: Everybody, sit down. Please ...*(Interruptions)* Everybody is sitting ...*(Interruptions)*

Everybody should sit down.

In this House, earlier we had an instance. When Mrs. Maneka Gandhi was a member of the Council of Ministers, there were some allegations raised against her by Mrs. Jayanthi Natarajan. I Tiad permitted Mrs. Maneka Gandhi to make an explanation, personal explanation on that. We had not permitted, in spite of all the ... *(Interruptions)*

SHRI S. JAIPAL REDDY: Madam, we do not agree. ...*(Interruptions)*

SHRI SIKANDER BAKHT: What is the rule? ...*(Interruptions)*

उपसभापति: सिकन्दर बख्त साहब, रूल बुक मैं आपके पास मार्क करके भेज देती हूं। इतने शोर में कुछ सुनाई नहीं देगा।

I will send you the Rules Book. You read it. It has happened in this House before, not once but many times. This is a peisonal explanation. ..*(Interruptions)*

Just a minute. Just a minute, please

That is why I wanted to make sure from the hon. Minister whether he was making a personal explanation.

He said, "Yes". Now we have given to him the same protection

Which we gave to other Ministers and Members. ..*(Interruptions)*

SHRI S. JAIPAL REDDY: I am on a point of order. ..*(Interruptions)* I am on a point of order, Madam.

उपसभापति: बोलिए।

SHRI MENTAY PADMANABHAM (Andhra Pradesh): He is on a point of order.

THE DEPUTY CHAIRMAN: All, please hear.

Mr. Jaipal Reddy, I cannot hear what you are saying.

SHRI S. JAIPAL REDDY: I am on a point of order.

THE DEPUTY CHAIRMAN: What is that? ...*(Interruptions)*

Let me hear the point of order. ...*(Interruptions)*

SHRI S. JAIPAL REDDY: I am on a point of order. Madam,-unless you ask the Members to sit down, how can I speak? ... *(Interruptions)*

THE DEPUTY CHAIRMAN: Please sit down. ... *(Interruptions)*

Lef me find it out. ...*(Interruptions)*

I am sending you the Rules Book. ... *(Interruptions)*

SHRI S. JAIPAL REDDY: Madam, please.

THE DEPUTY CHAIRMAN: I am listening to you. Please speak.

SHRI S. JAIPAL REDDY: This statement by the Minister of Petroleum has been made ... *(Interruptions)*

THE DEPUTY CHAIRMAN: Let him speak.

SHRI S. JAIPAL REDDY: .... in response to the notice given by a Member. We, therefore, think that the statement which has been made by the Minister, cannot be treated as a personal explanation. It cannot be treated as a personal explanation. Therefore, we are entitled to ask for clarifications.

The statement of Capt. Sharma is full of bland denials. It betrays only his sense of guilt. The statement of Capt. Sharma is full of bland details. It betrays only his sense of guilt. ...*(Interruptions)*

SHRI SIKANDER BAKHT: Madam, here are the papers. I am prepared to authenticate and place them on the Table of the House. Let him deny these things. This is a fraud. ..*(Interruptions)*

What is this, Madam. ...*(Interruptions]*

Are you permitting me to lay these papers on the Table of the House?

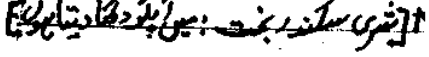
THE DEPUTY CHAIRMAN: No, 1 am not. ...*(Interruptions)*

SHRI SIKANDER BAKHT: He has just denied it. ...*(Interruptions)*

THE DEPUTY CHAIRMAN: Sikander Bakht Saheb, until and unless 1 have seen what you are laying on the Table of the House, it has been the practice at least with me ...*(Interruptions)*

Just a minute. ...*(Interruptions)*

श्री सिकन्दर बख्तः मैं आपको दिखा देता हूं ....(व्यवधान)



उपसभापतिः बैठिए .... प्लीज़ बैठ जाइए ....(व्यवधान)

This House runs on certain procedures. Whichever party is in the Government, whether it is the Congress Party or it is any other party, I have followed the Rules strictly.

SHRI S. JAIPAL REDDY: No, Madam.

THE DEPUTY CHAIRMAN: I have strictly followed the Rules. ...*(Interruptions)* .

Everybody who has seen me working in this House, knows this. ...*(Interruptions)*..

Please, let me, let me, let me speak; let me speak. ... *(Interruptions)*

SHRI V. NARAYANASAMY (Pondicherry): it is a conspiracy.

THE DEPUTY CHAIRMAN: Mr. Narayanasamy, will you please allow me to speak, please? ... *(Interruptions)*

I will be very thankful ...*(Interruptions)*

Please. I would be very thankful if

Members are very peaceful. I would go according to the rules. If under any rule you want Mr. Satish Sharma to come, quote the rule. I will call him. *(Interruptions)* if you quote a rule under which I can call him, I will call him. *(Interruptions)*

SHRI SIKANDER BAKHT: Let hrm denv.

मैं ये पेपर्स दिखाता हूं *(Int erruptions)*

THE DEPUTY CHAIRMAN: I will not permit.

CAPT. SATISH SHARMA: Madam, I require your permission to go to the other House.

THE DEPUTY CHAIRMAN: Yes, you may. He has to make a statement in the Lok Sabha also. So, he should go to the Lok Sabha. He is a Member of the Council of Ministers. He has an answerability to the other House, of which he is a Member also and he has also to go there. That is why I have permitted him. *(Interruptions)*

SHRI PRAMOD MAHAJAN (Maharashtra): Madam, I would like to quote from a rule. Let me be permitted. There is rule 241.

उपसभापति: हां बोलिए....(व्यवधान)

SHRI PRAMOD MAHAJAN: Madam, if you go through the rule 241, about personal explanation, the rule says:

> "A member may, with the permission of the Chairman make a personal explanation although there is no question before the Council...."

The rule does not end here. It says:

> "but in this case no debatable matter may be brought forward, and no debate shall arise."

So, the personal explanation of the Minister, if it raises a debatable issue, then naturally there will be a debate. *(Interruptions)*

† [] Transliteration in Arabic Script

SHRI SURESH KALMADI: It is very clear. No debate. The matter is over.

SHRI MENTAY PADMANABHAM: The Member who is giving a personal explanation should not inject any debatable issue also.

SHRI S. JAIPAL REDDY: Madam, I am on a point of order.

SHRI PRAMOD MAHAJAN: You cannot give him the protection of the personal explanation.

SHRI S. JAIPAL REDDY: Madam, I wish to read the same rule.

SHRI SURESH KALMADI: No debate. The rule clearly says—no debate.

THE DEPUTY CHAIRMAN: There is no point in arguing because the rules of procedure and conduct of business have been established in this House for a long time. *(Interruptions)* Just a minute. *(Interruptions)*

मैं आपको नहीं कह रही हूं....(व्यवधान)

I am telling this to someone else. It is not directed to you. What he quoted, may be the Member did not understand. I will only read what has been done in the House. In 1978, Shri George Fernandes made a personal explanation.

SHRI S. JAIPAL REDDY: For what?

THE DEPUTY CHAIRMAN: For whatever if you like, regarding certain matters.

SHRI S. JAIPAL REDDY: Was there a debate before the House or not? Was it debatable or not? *(Interruptions)*

THE DEPUTY CHAIRMAN: If you do not want to hear, it is up to you. *(Interruptions)* Mr. Jaipal Reddy, just listen.

SHRI S. JAIPAL REDDY: You have to tell the House as to what matter was discussed.

THE DEPUTY CHAIRMAN* Somebody raised a matter of a rule. If it is only a Member of the House, then he is not a Member... *(Interruptions)*

आप बैठिए, मैं वही बात कह रही हूं। आप यहां से आकर कह सकते हैं तो मैं चली जाऊं। मेरे कहने में अच्छा लग रहा है तो सुनिए। ..... एक मिनट तो सुन लीजिए। ...(व्यवधान)

As a Member I would not have permitted because he is a Member of the other House. He is not a Member of the Rajya Sabha. *(Interruptions)* You keep on disturbing with your finger. You keep raising it. I know that you are here in the House. I can hear you, I can see you not only with my eyes, but also with my spectacles.

When I was in the Chair, I had permitted Mrs. Maneka Gandhi to make a personal explanation in regard to a case. She was not a Member of this House. But she was a Member of the Council of Ministers. I gave her the same protection. Do you want me to have two different kinds of treatment to two different people?

DR. MURLI MANOHAR JOSHI (Uttar Pradesh): Madam, if a Minister comes, if a Member ' comes.. *(Interruptions)*.. personal explanation *suo motu*, that makes the difference. Here a specific notice was given. Here is a question before the House that these are... *(Interruptions)*... we want to raise. It is not a personal explanation.

SHRI VISHVJIT P. SINGH (Maharashtra): I may be permitted.

THE DEPUTY CHAIRMAN: I will allow you.

SHRI S. JAIPAL REDDY: Why don't you hear us?

DR. MURLI MANOHAR JOSHI: Why are you interested in protecting that side? Just protect the Members.

THE DEPUTY CHAIRMAN: I am not. I am protecting the rights of the Members.'

DR. MURLI MANOHAR JOSHI: Our right is to know.

SHRI VISHVJIT P. SINGH: Madam, I am on a point of order.

SHRI PRAMOD MAHAJAN: Madam, you decide on my poirft of order first.

THE DEPUTY CHAIRMAN: I have quoted. I have nothing more to add.

SHRI PRAMOD MAHAJAN: He is not a Member of this House. Under rule 241, he cannot make a personal explanation.

THE DEPUTY CHAIRMAN: All right. Then, we shall take it as not made.

SHRI PRAMOD MAHAJAN: It becomes a statement of the Minister. ..*(Interruptions)*... Nothing to do with that.

THE DEPUTY CHAIRMAN: No.

SHRI VISHVJIT P. SINGH: Madam, I am on a point of order. I may point out that when Mrs. Maneka Gandhi.. *(Interruptions)*...

†[نیتا وویدھی جل (شری سکندر بخت : سدر صاحبہ - پرمود مہاجن جی نے جو سوال اٹھایا ہے]

श्री सिकन्दर बख्त: सदर साहिबा, प्रमोद महाजन जी ने जो सवाल उठाया है

In the light of the rules, please give your ruling on that.

THE DEPUTY CHAIRMAN: I reserve.my ruling on that.

SHRI SIKANDER BAKHT: He is not a Member of this House. Please give your ruling.

THE DEPUTY CHAIRMAN: When I wanted to read the whole thing, one Member wanted me to speak and the other Member said that I should not speak. There is no consistency. Now you decide whether I should listen to you first and then I should speak or I should speak first and then listen to you.

श्री सिकन्दर बख्त: आप यह बता दीजिए कि हम कब बोलें?

†[شری سکندر بخت : آپ یہ بتا دیجئے کہ ہم کب بولیں]

† [] Transliteration in Arabic Script;

उपसभापतिः आप तो बोल ही रहे हैं। आप सब बोल लीजिए

Finally, I will give my opinion. I will listen to .everybody. I will listen to you also. Mr. Vishvjit P. Singh, I will let you speak after Mr. Jaipal Reddy. Let everybody speak. Then I don't have to get up and sit down again and again.

SHRI S. JAIPAL REDDY: Madam, the statement made by the Minister in my considered view cannot be treated as a personal explanation.

SOME HON. MEMBERS: Why not? It is your view.

SHRI S. JAIPAL REDDY: Because personal explanation has not been offered voluntarily by him. The statement has been made on account of notices given to him, through you, by two Members of the House and on account of the direction given by'you to the Minister to come before the House and clarify through a statement.

You may have read in the rule that there could be a personal explanation in regard to a matter which is not before the Council. This matter has been before the Council of States for the last two days.

THE DEPUTY CHAIRMAN: It was not before the Council. It was raised by a Member. There is a difference. Just a minute. Let me clarify.

SHRI S. JAIPAL REDDY: You can clarify at the end.

THE DEPUTY CHAIRMAN: If you make a wrong explanation, I have to correct it. Any matter which is listed for the Council's business is considered as before the Council of States. Any matter which a Member raises cannot be taken as a matter before the Council. It will be a Member's query.

SHRI PRAMOD MAHAJAN: Why have you not replied to my question? ..*(interruptions)*... You are avoiding to give a reply to my question.

THE DEPUTY CHAIRMAN: I am

not. ..*(Interruptions)*... Let him He said that I should give my opinion the end. That is the problem.

SHRI S. JAIPAL REDDY: Madam, I request the Chair to reserve the ruling towards the end. We do not question the ruling of the Chair. We want the Chair only to hear us out completely and then formulate her ruling. We will certainly abide by the Chair's ruling. *(Interruptions)* Madam, the matter is before the Council of States now. I must say if a matter has been referred on record to the Minister and if the Minister has been directed to clarify before the House whether it is a part of the listed, printed business or not, it is supposed to be a matter before the Council. If there is a specific substantive matter before the Council and if the Minister is making a statement thereunder, that statement cannot be described or treated as a personal explanation.

The second point I would like to make is this. In personal explanation, one does not bring up debatable issues. Mr. Sharma has brought up highly debatable matters. We have lots of serious clarifications to seek from him. His statement was full of bland denials. It did not contain any facts. Therefore, it should be treated as a statement entitling various Members of the House to seek clarifications. It cannot be treated as a personal explanation and the House thereby denied the opportunity to seek clarifications from the Minister. Therefore, Madam, I would like you to consider all these matters and give a final ruling so that the honour of the Minister is vindicated. Now, the honour of the Minister has come under a cloud not only because of the statement but also because of the indecent manner in which he ran away from the House.

THE DEPUTY CHAIRMAN: No, no. That you should not say. *(Interruptions)*

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): Madam, Mr. Reddy will have to

[SHRI S.V. CHAVAN] withdraw these words. The Minister has gone with the permission of the Chair.

THE DEPUTY CHAIRMAN: He, has to go to the other House also of which he is a Member.

SHRI S. JAIPAL REDDY: I have no difficulty in withdrawing those words and I didn't know that he had taken your permission. But I must say you were generous in granting permission.

THE DEPUTY CHAIRMAN: No, no. Mr. Reddy , I announced and I am sure you heard it. If you didn't hear, then you please see the record. I said, "He is also a Member of the Council of Ministers. In fact, he is a Member of the other House. So, he is answerable to that House also." You heard it and others heard it.

SHRI VISHVJIT P. SINGH: Madam, through you, I request the House to hear me out in silence because I wish to raise a substantive point. My first point is that in the case of Shrimati Maneka Gandhi, she was not a Member of this House. She was a Member of the other House and she was a member of the Council of Ministers. Certain allegations were raised in this House which became a matter of debate. After it became a matter of debate, the House and various Members of the House forced the Minister to make a statement, to give a personal explanation. It was not voluntary. She was forced to do it. It was only after pressure which continued for three days that she gave a personal explanation. I was here in the House. For three days the pressure was put on her and only after that she came to House to make a personal explanation. When she came to make a personal explanation, we raised the same points— my party, myself and other Members. It is a matter of record. You can see the record. We raised the same point. The point which was raised by Pramod Mahajan, the same point was raised by me. At that point of time, when I said that she is not a Member of this House and she cannot seek protection under the rule of personal explanation. I also said that she has raised a debatabl matter and that this needs to be debatec At that point of time, the ruling from th Chair was very clear that in the case c personal explanation, there is not furthe discussion. I tried to stall the proceeding of the House in a similar manner and said, "No, we must have discussion. *(Interruptions)*

Kindly hear me. ...*(Interruptions)*...

उपसभापतिः गौतम जी, आज हाउस में नहीं थे सुन लीजिये, वे क्या कह रहे हैं। आप जरा रिकार्ड पर लीजिये तो ज्यादा बेहतर होगा।

SHRI VISHVJIT P. SINGH: Madam my point finally is only one. Do we hav a different set of rules for different times for different people, for differen Governments? I see today a situatioi which is unprecedented. I have neve seen the Leader of the House, when hi gets up, being attacked by a Member. '. have never seen such a thing, the way is being attacked today even before h< could complete a sentence ...*(Interruptions)*... I have never seen th(Leader of the Opposition getting up anc not even following the rules of th House. ..*(Interruptions)*...

SHRI SANGH PRIYA GAUTAM (Uttar Pradesh): Madam, this is a highlj objectionable remark.

(Interruptions)

SHRI VISHVJIT P. SINGH: I arr afraid, I must put it. ...*(Interruptions)*...

SHRI SANGH PRIYA GAUTAM: II is a highly objectionable remark. You withdraw it.

SHRI VISHVJIT P. SINGH: No, no.

SHRI SANGH PRIYA GAUTAM: You withdraw it.

SHRI VISHVJIT P. SINGH: No, I will not withdraw my words. ...*(Interruptions)*... No, I won't withdraw.

SHRI SANGH PRIYA GAUTAM: It is a highly objectionable remark. You must withdraw it. ...*(Interruptions)*...

SHRI VISHVJIT P. SINGH: I found it

objectionable... *(Interruptions)*... Madam, in your ruling which you give in your wisdom, I want you to *(Interruptions)*...

श्रीमती सुषमा स्वराज (हरियाणा): मेरा प्वाइंट आफ आर्डर है। ... **(व्यवधान)**...

THE DEPUTY CHAIRMAN: See, in this House, whether it is the Leader of the House or the Leader of the Opposition, not only the Leader of the Opposition but various leaders of various groups and parties, I want all the Members to be heard in peace when they speak. Unfortunately there are times when the tempers are high and the Members do not listen to even each other; forget about the Chair or the leaders. We have had so many examples. ...*(Interruptions)*... I will listen to your point of order. Now, two points are raised. On this matter I would like the Members, before making their points of order, to go through the records of the previous matter and we cannot take the time of the House discussing what ruling the Chair should give. The Chair had given a ruling in the past and the Chair will give the same ruling... *(Interruptions)*...

SHRIMATI SUSHMA SWARAJ. Same ruling? ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Just a minute ...*(Interruptions)*... No. Listen. ...*(Interruptions)*... The point is whether the charges are... *(Interruptions)*... Just a minute. To me, whether the Congress Party is in the Government or the Congress Party is in the Opposition or anybody else is there, the Chair is detached from that. I go by rules. ... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Because I have to see the papers. You don't want to see. I want to see. I go by the record.

श्रीमती सुषमा स्वराज: मैडम, मेरा प्वाइंट आफ आर्डर यह है कि परसों जिस समय जगदीश प्रसाद माथुर जी, सिकन्दर बख्त जी और जयपाल रेड्डी जी ने यह मसला उठाना चाहा तो आपने नियम 238ए का हवाला देते हुए यह कहा था क्योंकि आप एक मंत्री के खिलाफ आरोप लगाना चाहते हैं और किन्हीं लगे हुए आरोपों को रेफर करना चाहते हैं, इसलिये पहले आप नोटिस दीजिये-प्रीविअस नोटिस रेक्वायर्ड। मैं आपको यह मसला बिना नोटिस उठाने की अनुमति नहीं दूंगी। उन्होंने आपकी बात सुनकर नोटिस दे दिया। उस नोटिस के बाद आपने मंत्री जी से बात की और उनकी सुविधा को देखते हुए आज उनको बुला लिया। तो नियमों और न्याय का तकाजा था कि पहले एलीगेशन लगाने की इजाजत दी जाती। जिन लोगों ने नोटिस दिया था और नोटिस के बाद यह चाहा था कि हम आरोप लगायेंगे, उनको तो इसकी कोई सूचना देने की बात की जाती। उसके बाद मंत्री जी अपना पर्सनल एक्सप्लानेशन दे भी सकते थे। वह कौन सी चीज डिनाई करके चले गये? इधर से तो किसी को बोलने का मौका नहीं मिला। न सिकन्दर बख्त साहब को आरोप लगाने का मौका मिला, न जयपाल रेड्डी जी को आरोप लगाने का मौका मिला.....

उपसभापति: उनको मिल गया।

श्रीमती सुषमा स्वराज: न जगदीश प्रसाद माथुर को मौका मिला। यह कौन से नियम के तहत हुआ? आपने उनसे नोटिस मांगा। उन्होंने नोटिस दिया भी लेकिन उनको बोलने की इजाजत नहीं दी। मंत्री महोदय आये और एक तरफा पर्सनल एक्सप्लानेशन देकर चले गये और बाद में आपने कह दिया कि आपको बोलने की इजाजत नहीं है।

उपसभापति: ठीक है। I agree

श्रीमती सुषमा स्वराज: यह कौन सा नियम है, यह कौन सा न्याय है, जब इधर से आपने बोलने का मौका नहीं दिया? अगर पहले नहीं दिया तो अब तो मौका दीजिये।

श्रीमती सुषमा स्वराज: पता नहीं कौन से एलीगेशंस हैं **(व्यवधान)** कौन से एलीगेशंस डिनाई करके चले गये यह पता नहीं है **(व्यवधान)** हमें तो सुना ही नहीं गया **(व्यवधान)**

उपसभापति: एक मिनट **(व्यवधान)**

श्रीमती सुषमा स्वराज: आरोप लगाए ही नहीं हैं हमने अभी **(व्यवधान)**

उपसभापति: जे०पी० माथुर साहब भी यहां नहीं हैं **(व्यवधान)**

श्रीमती सुषमा स्वराज: सिकन्दर जी हैं, जयपाल रेड्डी जी हैं **(व्यवधान)**

THE DEPUTY CHAIRMAN: No, it cannot be. *(Interruptions)*...

जिस के नाम नोटिस दिया जाता है उसी को एलीगेशन लगाने की इजाजत होती है (व्यवधान)

श्रीमती सुषमा स्वराज: आपने तो पुकारा तक नहीं है **(व्यवधान)** आपने बुलाया तक नहीं **(व्यवधान)**

THE DEPUTY CHAIRMAN: He gave it in writing and he read it out. *(Interruptions)*...

श्रीमती सुषमा स्वराज: सब नियम के तहत ही चल रहा है तो नियमों के तहत हमें बोलने की इजाजत दी जाती। (व्यवधान)

THE DEPUTY CHAIRMAN: Now, we will go ahead with the other business. That matter is over. *(Interruptions)*...

SHRI SUKOMAL SEN (West Bengal): Madam,...

THE DEPUTY CHAIRMAN: What do you want to say? *(Interruptions)*...

श्रीमती सुषमा स्वराज: नियमों के तहत.. (व्यवधान)

THE DEPUTY CHAIRMAN: I want to listen to him. *(Interruptions)*...

SHRI SUKOMAL SEN: You did not allow my colleague.... *(Interruptions)*...

SHRIMATI SUSHMA SWARAJ: This is denied, this is denied, this is denied. *(Interruptions)*... You have never allowed-them. *(Interruptions)*...

THE DEPUTY CHAIRMAN: Which Member? There are two Members who are not present here. *(Interruptions)*...

SHRI SUKOMAL SEN: No, no. They are present here. *(Interruptions)*...

THE DEPUTY CHAIRMAN: Then tomorrow we will ask him to read out the same thing or whatever he wants to read. All right. *(Interruptions)*... I cannot allow today. *(Interruptions)*... Let the Members level the allegations. They are not here. *(Interruptions)*... I don't have a notice. *(Interruptions)*...

श्रीमती सुषमा स्वराज: सभी मैम्बर्ज़ है (व्यवधान) सभी के नोटिस है। (व्यवधान) पहले कुछ कहने की इजाजत तो दी जानी चाहिये (व्यवधान) कोई आरोप होगा, तभी एक्सपलेन करेंगे (व्यवधान) डिनाई करके चले गए।

THE DEPUTY CHAIRMAN: They are not here. *(Interruptions)*...

SHRI SURESH KALMADI: Why are the Members absent themselves? *(Interruptions)*...

THE DEPUTY CHAIRMAN: They are not here. *(Interruptions)*...

SHRI SUKOMAL SEN: Mr. Ashis Sen is here. *(Interruptions)*...

THE DEPUTY CHAIRMAN: Mr. Ashis Sen is not here. I cannot see him. *(Interruptions)*...

SHRI SUKOMAL SEN: Then let us take it up in the aftej-noon. *(Interruptions)*...

THE DEPUTY CHAIRMAN: This is my difficulty. Unfortunately, the difficulty is that all of you speak together. *(Interruptions}*... Now, three or four people are standing together. That is why I request the Members, let me listen to what all of you are saying. *(Interruptions)*... You just see. How can I concentrate on two people? That is why I request the Members to let one person speak. *(Interruptions)*... Just a minute. He is saying that Mr. Ashis Sen was here. I didn't see him. Mr. J.P. Mathur was not here. I know about it. If Mr. Ashis Sen was here, I didn't see him. *(Interruptions)*...

श्रीमती सुषमा स्वराज: बताइये, अब आप क्या करेंगे? (व्यवधान)

THE DEPUTY CHAIRMAN: I will call the Members to my chamber and show them the details of the previous case and then we will talk about it. *(Interruptions)*... Now, let us go ahead with the business; *(Interruptions)*...

SHRI RAM JETHMALANI (Karnataka): Madam, I am standing.... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Yes. **आप बोलिये। (व्यवधान)**

श्रीमती सुषमा स्वराज: मेडम, हम को पहले बोलने दिया होता **(व्यवधान)**

उपसभापति: उन्हें बोलने दीजिये।

SHRI RAM JETHMALANI: Madam, I have a very humble request to make to you. Before you deliver your judgement on points of procedure, give us an opportunity for presenting our viewpoints on the points of law and procedure. *(Interruptions)*...

THE DEPUTY CHAIRMAN: I am giving you.

SHRI RAM JETHMALANI: After all, whatever ruling you give applies to us, applies to them and applies to the posterity. So, please hear us.

THE DEPUTY CHAIRMAN: I am hearing.

SHRI RAM JETHMALANI: First, Madam, forget the Maneka Gandhi case. It is a distinguishable case. The first principle of interpretation of any rule of procedure...*(Interruptions)*...Please listen to us carefully. The first principle of interpretation of rules, and no Member here can deny it, is that it must further the purpose for which an institution is created. The Parliament is the grand inquest of the nation. Its main purpose is to discover truth, truth about allegations made against those who are in power and those who want to get into power. Therefore, the first principle which every LL.B. student must know is that there is no statement which can ever be believed unless it has been subjected to .some reasonable cross-examination. Now, you don't require a rule expressly permitting cross-examination for the purpose of furthering the main purpose of the parliament, namely, to discover the truth. Of course, if the rule expressly provides it...*(Interruptions)*...Madam, please look at me for two minutes.

THE DEPUTY CHAIRMAN: I am listening.

SHRI RAM JETHMALANI: Don't look at the book

THE DEPUTY CHAIRMAN: I go by the book.

SHRI RAM JETHMALANI: I am not so.

THE DEPUTY CHAIRMAN: I am not a judge. I am not sitting in a court of justice. I only go by what my book says.

SHRI RAM JETHMALANI: Kindly look at me, Madam. *(Interruptions)*...

श्री राम नरेश यादव (उत्तर प्रदेश): जो पहले की व्यवस्थाएं हैं क्या वह लागू नहीं होंगी इस पर **(व्यवधान)** जब लागू हो रही है तो फिर इस पर क्यो आपत्ति हो रही है **(व्यवधान)** जब एक बार सदन में व्यवस्था दी गई थी, यह प्रश्न आया था **(व्यवधान)** इसको दूसरी बार उठाने का क्या अधिकार है **(व्यवधान)**

उपसभापति: बोलने दीजिये। अगर मैम्बर्स अपनी बात कहना चाहते हैं तो उनको बोलने से मना नहीं करना चाहिये।

THE DEPUTY CHAIRMAN: It is the right of the Members to explain, I had allowed it even at that time. When I was in the Chair, I had allowed Mr. Singh over here. So. I will allow him. He is an eminent lawyer. *(Interruptions).* Let him speak. Why do you object to it? *(Interruptions).*,.

SHRI RAM JETHMALANI: The paramount rule, the dominant rule of procedure is that you must permit everything which assits the discovery of truth, unless it is expressly barred. Rule 241 does not bar, in express terms, putting of any question. What is barred in it is, full-blooded debate. A full-blooded debate is quite a different process altogether because in a debate people make arguments. But by putting a few questions in cross-examination you try to elicit the truth. It has nothing to do with debate. Rule 241 precludes debate. There is no bar against putting questions. If you think and if the House thinks that putting a few questions help the discovery of truth which is the paramount prupose for which this institution exists, then you must permit those questions; otherwise it

[SHRI RAM JETHMALANI]

only lowers the efficacy of this House. If he does not answer our questions, then today at 4 o'clock we will call a Press Conference and put hundreds of questions. *(Interruptions).*

THE DEPUTY CHAIRMAN: You are welcome to do it. *(Interruptions)*[1]. Outside this House, I have not control on anything.. *(Interruptions).*

SHRI RAM JETHMALANI: We will put a hundred questions every day.

THE DEPUTY CHAIRMAN: You are most welcome to do what you like outside this House. *(Interruptions).* I only run this House according to the rules.

श्री राम नरेश यादव: महोदया, यह किस तरह की धमकी है.. (व्यवधान) यह बता रही है कि आप लोग कानून का कितना पालन करने वाले हैं। कानून का पालन करने वाले नहीं हैं। व्यवस्था को भी मानने वाले नहीं हैं..(व्यवधान)

THE VISHVJIT P. SINGH: Madam, it is totally uncalled for. *(Interruptions).* He is trying to intimidate the Chair. *(Interruptions).* He can't do it.

THE DEPUTY CHAIRMAN: I have heard enough. *(Interruptions).* I have nothing more to say. *(Interruptions).* I call Mr. Jibon Roy. *(Interruptions).*

श्री विष्णु कान्त शास्त्री (उत्तर प्रदेश): उन्होंने व्यवस्था का प्रश्न उठाया है... (व्यवधान)

उपसभापति: आपकी बात का जवाब मैंने पहले ही दे दिया है। मैंने रूलिंग दे दी है कि इस हाउस का प्रोसीजर यह रहा है कि..

not only for Shrimati Maneka Gandhi, which I remember because I was in the Chair...*(Interruptions).* You don't want to listen to me ...*(Interruptions).* How do you expect me to listen to two people at the same time? *(Interruptions).*

श्री विष्णु कान्त शास्त्री: अपनी हाउस में यह बात कही है। जिन्होंने नोटिस दिया है आज वे उपस्थित नहीं है, मैं कल उनको बुलाऊंगी, उनसे बात करूंगी

...(व्यवधान)

THE DEPUTY CHAIRMAN: I will find out. *(Interruptions).* I will look into all the details and then tell you what I would do. *(Interruptions).* Let me run the House. *(Interruptions).* No more points on this subject.

SHRI VIREN J. SHAH (Maharashtra): Madam, if there allegations are made...*(Interruptions).*

उपसभापति: जीवन राय जी बोलिए..(व्यवधान)

I will discuss it. *(Interruptions).* Just a minute.

SHRI PRAMOD MAHAJAN: Madam, this House is not a forum to... *(Interruptions).*

THE DEPUTY CHAIRMAN: Just a minute. *(Interruptions).* Please. *(Interruptions).*

श्री विष्णु कान्त शास्त्री: मैडम, इस बात का स्पष्टीकरण होना चाहिए..(व्यवधान)

उपसभापति: एक मिनट बैठिये..माई इन्टेशन कैन नाट बी क्वेश्चन्ड।

I said in the House that I am going to contact Mr. Satish Sharma and see that he comes before the House. She was a witness when I telephoned him and • said, "Please come before the House. You owe an explanation to the Members." Then he came. Now whatever your concern is, I have noted it.

सिकन्दर बख्त साहब थोड़ा I have to look..

Let me finish. *(Interruptions).* Just a minute. When I go back to my chamber I will look at all the records. I will look at every ruling, whether it has been given before me also, every case. Then I will look ifto it. O.K.?

हो गया। बस खत्म हो गया। अब आगे चलिए।

RE. QUESTION OF PRIVILEGE

SHRI DINESHBHAI TRIVEDI (Gujarat): Madam I have given a notice of privilege. You have permitted me to speak. Madam, may I come ahead?

THE DEPUTY CHAIRMAN: what is